FARAD CONTINUATION SHEET.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.4565/2005

Ganesh Narayan Pande

...Versus...

The Gram Panchayat, Tarsa

Office Notes, office Memoranda of Coram appearances, Court's orders or directions and Registrar's order.	Court's or Judge's order

CORAM: **B.P. DHARMADHIKARI, J.**
DATED : **12.12.2005.**

1. Heard Advocate Shri Deshpande for petitioner-decree holder and Advocate Shri Lilhare for respondent-Grampanchayat.

2. The grievance made by advocate Shri Deshpande is that even the work of cleaning and maintenance of drainage as directed by the decree is not being done. Advocate Shri

Lilhare states that so far as the reconstruction of drainage is concerned, Grampanchayat does not have funds at this stage. Advocate Shri Deshpande aruged that in that event the Panchayat Samiti or any other authority can be directed to execute that decree, in view of provisions of Order 21 Rule 32 of the Code of Civil Procedure.

3. I find that the grievance whether drainages are being cleaned regularly and are being maintained properly can be considered by the trial court after recording evidence, if necessary. Regular Darkhast which has been dismissed by the trial court i.e. R.D. No.4/2004 is restored back to the file of Civil Judge (Junior Division), Ramtek for that purpose. So far as the grievance of the petitioner about reconstruction of drainage is concerned, the petitioner is at liberty to move appropriate

application in the said Regular Darkhast or before the appropriate forum for getting that. The Grampanchayat has already given promise before this court, in which it is stated that the Grampanchayat is discharging this obligation and cleaning drainages and also removing obstruction from time to time.

4. In view of this, no order is required to be passed in this writ petition. The writ petition is disposed of accordingly.

JUDGE

SSW